

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISIONS**

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EDRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

**LATTIME CONSTRUCTION AND
HOME BUILDING, INC.**

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) **CASE NO.: 1:05-CV-1062-F**

VS.

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THE BERRY COMPANY, et al.,

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DEFENDANTS.

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**NOTICE CONCERNING SETTLEMENT CONFERENCE
AND MEDIATION**

Comes now the Plaintiff in the above-styled cause, by and through its counsel, and files this its report regarding the face-to-face settlement conference ordered by the Court in its Uniform Scheduling Order, Section 3., as follows:

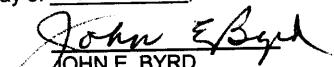
1. Attorneys for Plaintiff and Defendants had a thorough face-to face settlement conference on September 11, 2006. This settlement conference was continued by a telephone conference on November 14, 2006. Settlement has not been reached but negotiations are continuing.
2. Mediation has been discussed. Should continuing negotiations not be successful, mediation could possibly be considered and assist in resolving this case short of trial.

Dated this the 16 day of November, 2006.

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing upon the Honorable Craig A. Alexander Rumberger, Kirk & Caldwell, Attorneys at Law, Lakeshore Park Plaza, Suite 125, 2204 Lakeshore Drive, Birmingham, AL 35209-6739 by placing a copy of same properly addressed and postage prepaid in the U.S. mail.

Dated this the 16 day of Nov., 2006.


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